

Energy Conservation Bill

Bill No. 8/2012.

Read the first time on 8th March 2012.

ENERGY CONSERVATION ACT 2012

(No. of 2012)

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A BILL

intituled

An Act to mandate energy efficiency requirements and energy management practices to promote energy conservation, improve energy efficiency and reduce environmental impact, and to make consequential and related amendments to certain other written laws.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

PART I
PRELIMINARY

Short title and commencement

5 **1.**—(1) This Act may be cited as the Energy Conservation Act 2012 and shall, with the exception of Part IV, come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

(2) Part IV shall come into operation on such date as the Transport Minister may, by notification in the *Gazette*, appoint.

Interpretation

10 **2.** In this Act, unless the context otherwise requires —

“Agency” means the National Environment Agency established under the National Environment Agency Act (Cap. 195);

“airport service operator” means —

15 (a) a person operating an airport under an airport licence or an exemption granted under the Civil Aviation Authority of Singapore Act 2009 (Act 17 of 2009); or

(b) a person providing any service or facility for an aircraft’s arrival at or departure from any airport referred to in paragraph (a), including any of the following:

20 (i) the storing, processing and handling of cargo carried, or to be carried, by an aircraft;

(ii) the provision of fuel for, and refuelling of, an aircraft;

25 (iii) flight catering services and facilities;

(iv) the check-in and screening of aircraft passengers, including services for baggage handling and screening;

30 “authorised officer” means an officer appointed by the Director-General under section 6(2) to be an authorised officer;

“Civil Aviation Authority” means the Civil Aviation Authority of Singapore reconstituted under the Civil Aviation Authority of Singapore Act 2009;

“corporation” and “related corporation” have the same meanings as in the Companies Act (Cap. 50);

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“Director-General” means the Director-General of Environmental Protection appointed under the Environmental Protection and Management Act (Cap. 94A);

“energy use threshold” means the level of energy consumption specified in an order under section 22 or 45, expressed in terms of —

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- (a) the total of all types of energy consumed;
- (b) a particular type of energy consumed; or
- (c) the aggregate of 2 or more different types of energy consumed;

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“greenhouse gas” means any of the following:

- (a) carbon dioxide;
- (b) methane;
- (c) nitrous oxide;
- (d) sulphur hexafluoride;
- (e) nitrogen trifluoride;
- (f) a hydrofluorocarbon of a kind prescribed in regulations;
- (g) a perfluorocarbon of a kind prescribed in regulations;
- (h) such other substance as may be prescribed as a greenhouse gas for the purposes of this Act;

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“Land Transport Authority” means the Land Transport Authority of Singapore established under the Land Transport Authority of Singapore Act (Cap. 158A);

“land transport operator” means a person operating —

(a) a bus service under a bus service operator’s licence granted under the Public Transport Council Act (Cap. 259B);

(b) a rapid transit system within the meaning of the Rapid Transit Systems Act (Cap. 263A);

(c) a fleet of motor vehicles classified as taxis under the Second Schedule to the Road Traffic Act (Cap. 276); or

(d) a fleet of motor vehicles as part of a business activity of passenger transport or freight transport;

“Maritime and Port Authority” means the Maritime and Port Authority of Singapore established under the Maritime and Port Authority of Singapore Act (Cap. 170A);

“Minister”, except in Part IV, means the Minister charged with the responsibility for the environment and water resources;

“motor vehicle” means a vehicle that consumes electricity or fuel;

“port service operator” means a person providing any marine service or facility or port service or facility under a public licence or an exemption granted under the Maritime and Port Authority of Singapore Act;

“premises” means any building, plant, workplace or other premises at which electricity, fuel or any other form of energy is consumed;

“Registrar” has the same meaning as in the Road Traffic Act;

“sector regulator” means the applicable regulator responsible for the administration of the provisions of this Act, determined in accordance with section 7;

“Transport Minister” means the Minister charged with the responsibility for transport;

“transport sector authorised officer” means an officer appointed under section 7(1)(a), (2)(a) or (3)(a) by a sector regulator to be a transport sector authorised officer;

“workplace” has the same meaning as in section 5 of the Workplace Safety and Health Act (Cap. 354A).

Meaning of “business activity”

3.—(1) A business activity is an activity, or a series of activities (including ancillary activities) —

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(a) that involves the emission of greenhouse gas, the production of energy or the consumption of energy; and

(b) that forms a single undertaking or enterprise.

(2) For the purposes of subsection (1)(b), the activity or activities constituting the undertaking or enterprise must not be attributable to more than one industry sector.

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(3) The Minister may make regulations to prescribe —

(a) the circumstances in which an activity or activities (including ancillary activities) will form part of a single undertaking or enterprise; and

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(b) activities which are attributable to particular industry sectors.

Meaning of “operational control”

4.—(1) A corporation has operational control over a business activity (including a business activity carried out wholly or partly by a related corporation of that corporation) if it has the authority to introduce and implement all or any of the following for the business activity:

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(a) operating policies;

(b) health and safety policies;

(c) environmental policies.

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(2) A corporation has operational control over premises (whether or not the premises are owned by the corporation) if it has the authority to do one or both of the following for the premises:

(a) incur capital expenditure on the construction of any building or infrastructure on the premises;

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(b) carry out capacity expansion or other infrastructure enhancement of the premises.

(3) For the purposes of this Act, only one such corporation can have operational control over a business activity or premises at any one time.

(4) If more than one corporation could satisfy subsection (1) at any one time, then the corporation that has the greatest authority to introduce and implement the policies mentioned in subsection (1)(a) and (c) shall be taken, for the purposes of this Act, to have operational control over the business activity.

(5) If more than one corporation could satisfy subsection (2) at any one time, then the corporation that has the greatest authority to carry out subsection (2)(b) shall be taken, for the purposes of this Act, to have operational control over the premises.

Application of Act to Government

5.—(1) Except as provided in subsection (2), this Act shall bind the Government.

(2) Nothing in this Act shall render the Government liable to prosecution for an offence.

(3) For the avoidance of doubt, no person shall be immune from prosecution for any offence under this Act by reason that the person is engaged to provide services to the Government.

PART II

ADMINISTRATION

Director-General and appointment of authorised officers

6.—(1) The Director-General shall, subject to any general or special directions of the Minister, be responsible for the administration of this Act (except Part IV), and may perform such duties as are imposed and exercise such powers as are conferred upon him by this Act.

(2) The Director-General may appoint, by name or office, any public officer, any officer or employee of the Agency or any auxiliary police officer appointed as such under the Police Force Act (Cap. 235)

to be an authorised officer to assist him in the administration of this Act.

(3) The Director-General may, with the approval of the Minister, delegate the exercise of all or any of the powers conferred or duties imposed on him by this Act (except the power of delegation conferred by this subsection) to any authorised officer, subject to such conditions or limitations as the Director-General may specify.

Sector regulators and appointment of transport sector authorised officers

7.—(1) The Land Transport Authority shall, subject to any general or special directions of the Transport Minister, be responsible for the administration of the provisions of this Act relating to fuel economy labelling of motor vehicles and the provisions of this Act as they apply to any land transport operator, and may —

- (a) appoint, by name or office, any officer or employee of the Land Transport Authority or any auxiliary police officer appointed as such under the Police Force Act (Cap. 235) to be a transport sector authorised officer for the purposes of this Act in relation thereto;
- (b) perform such duties as are imposed and exercise such powers as are conferred upon it by this Act in relation thereto; and
- (c) subject to such conditions or restrictions as it may specify, delegate the exercise of all or any of the powers conferred or duties imposed on the Land Transport Authority by or under this Act in relation thereto (except the power of delegation conferred by this paragraph) to any transport sector authorised officer appointed by it under paragraph (a).

(2) The Maritime and Port Authority shall, subject to any general or special directions of the Transport Minister, be responsible for the administration of the provisions of this Act as they apply to any port service operator, and may —

- (a) appoint, by name or office, any officer or employee of the Maritime and Port Authority or any auxiliary police officer appointed as such under the Police Force Act to be a transport

sector authorised officer for the purposes of this Act in relation thereto;

(b) perform such duties as are imposed and exercise such powers as are conferred upon it by this Act in relation thereto; and

5 (c) subject to such conditions or restrictions as it may specify, delegate the exercise of all or any of the powers conferred or duties imposed on the Maritime and Port Authority by or under this Act in relation thereto (except the power of delegation conferred by this paragraph) to any transport sector authorised officer appointed by it under paragraph (a).

10 (3) The Civil Aviation Authority shall, subject to any general or special directions of the Transport Minister, be responsible for the administration of the provisions of this Act as they apply to any airport service operator, and may —

15 (a) appoint, by name or office, any officer or employee of the Civil Aviation Authority or any auxiliary police officer appointed as such under the Police Force Act to be a transport sector authorised officer for the purposes of this Act in relation thereto;

20 (b) perform such duties as are imposed and exercise such powers as are conferred upon it by this Act in relation thereto; and

25 (c) subject to such conditions or restrictions as it may specify, delegate the exercise of all or any of the powers conferred or duties imposed on the Civil Aviation Authority by or under this Act in relation thereto (except the power of delegation conferred by this paragraph) to any transport sector authorised officer appointed by it under paragraph (a).

Public servants

30 **8.** Each of the following persons shall be deemed to be a public servant for the purposes of the Penal Code (Cap. 224):

(a) the Director-General and every authorised officer appointed under section 6(2);

(b) every transport sector authorised officer appointed under section 7(1)(a), (2)(a) or (3)(a).

Protection from personal liability

9.—(1) No liability shall be incurred by —

- (a) the Director-General or any member, officer or employee of the Agency, or any other person acting under the direction of the Agency; 5
- (b) the Registrar or any member, officer or employee of the Land Transport Authority;
- (c) any authorised officer appointed under section 6(2); or
- (d) any transport sector authorised officer appointed under section 7(1)(a), (2)(a) or (3)(a), 10

for anything which is done or intended to be done in good faith and with reasonable care, in the exercise or purported exercise of any power, or the performance or purported performance of any function or duty, under this Act.

(2) Where the Agency or a sector regulator provides a service to the public whereby information is supplied to the public pursuant to any provision of this Act, none of the members, officers or employees of the Agency or the sector regulator, as the case may be, involved in the supply of such information shall be liable for any loss or damage suffered by any member of the public by reason of any error or omission of whatever nature appearing therein or however caused if made in good faith and with reasonable care in the ordinary course of the discharge of the duties of such member, officer or employee. 15 20

PART III

ENERGY CONSERVATION MEASURES FOR DOMESTIC AND INDUSTRY SECTORS (OTHER THAN TRANSPORT) 25

Division 1 — Energy labelling and minimum performance standards for registrable goods

Interpretation of this Division

10. In this Division, unless the context otherwise requires — 30

“effective date”, in relation to any goods, means the date on which the goods become registrable goods as specified in the order under section 11;

5 “goods” means any device, appliance, equipment, article or thing the use or operation of which consumes electricity or fuel, but does not include any motor vehicle;

“label”, in relation to any registrable goods, includes marking or affixing a label to the registrable goods;

10 “manufacture” means to make, fabricate, produce or process any goods and includes —

(a) the adapting for sale of any goods; and

(b) the altering, ornamenting or finishing or the assembling or processing in any form of any goods;

15 “registered goods” means any registrable goods registered under section 13(4) as such;

“registered supplier” means any importer or manufacturer registered under section 13(4) as such;

“registrable goods” means any goods declared by order under section 11 to be such;

20 “sale” includes —

(a) barter, exchange or import;

(b) offering or attempting to sell, causing or allowing to be sold, or exposing for sale; and

(c) receiving, sending or delivering for sale;

25 “supply”, in relation to any goods, includes —

(a) the supply of the goods by way of sale, lease, loan, hire or hire-purchase;

(b) the supply of the goods in connection with any agreement; and

30 (c) the offer to supply the goods.

Registrable goods

11. The Minister may, after consultation with the Agency, by order published in the *Gazette*, declare any class, description or type of goods to be registrable goods for the purposes of this Part from the date specified in the order.

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Restriction on supply of registrable goods

12.—(1) No person shall, in the course of any trade or business, supply any registrable goods in Singapore on or after the effective date for those goods unless the registrable goods —

- (a) are registered under section 13(4);
- (b) are labelled in the prescribed manner; and
- (c) meet such minimum energy efficiency standards as may be prescribed.

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(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

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Registration of suppliers and registrable goods

13.—(1) Without prejudice to section 12, no importer or manufacturer shall, in the course of any trade or business, supply any registrable goods in Singapore on or after the effective date for those goods, unless the importer or manufacturer is a registered supplier of those goods.

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(2) Any importer or manufacturer which intends to supply any registrable goods in Singapore may apply, in such form and manner as may be prescribed, to the Director-General —

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- (a) to be registered as a registered supplier; and
- (b) to register the registrable goods which the importer or manufacturer intends to supply in Singapore.

(3) Every application under subsection (2) shall be accompanied by —

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- (a) such fee as may be prescribed; and

(b) such documents and information as may be prescribed.

(4) The Director-General may, in his discretion, register subject to such conditions as he thinks fit to impose, or refuse to register —

(a) any applicant as a registered supplier; or

5 (b) any registrable goods which the applicant intends to supply in Singapore as registered goods.

(5) The registration of any registered supplier or any registered goods shall not be transferable from one person to another without the approval in writing of the Director-General.

10 (6) Any importer or manufacturer which contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

Register of registered suppliers and registered goods

15 **14.**—(1) The Director-General shall keep and maintain a register in which shall be entered such particulars of the registered suppliers and the registered goods as the Director-General may determine.

(2) Where the registration of any registered supplier or any registered goods has been withdrawn or revoked or has expired, as the case may be, the Director-General may —

20 (a) remove the particulars of the registered supplier or the registered goods from the register; or

(b) indicate the fact of such withdrawal, revocation or expiry of registration against the particulars of the registered supplier or the registered goods in the register, as the case may be.

25 (3) The Director-General may, upon an application by any person accompanied by such fee as may be prescribed, provide a certified copy of an entry in the register to that person.

Duration and renewal of registration

30 **15.**—(1) The registration of any registered supplier shall remain valid unless withdrawn or revoked under section 16.

(2) The registration of any registered goods, including any renewal thereof, shall be valid for 3 years unless earlier withdrawn or revoked under section 16.

(3) An application to renew the registration of any registered goods shall be made before the expiry of the registration, and in such form and manner as may be prescribed. 5

(4) Every application to renew the registration of any registered goods under subsection (3) shall be accompanied by —

(a) such fee as may be prescribed; and

(b) such documents and information as may be prescribed. 10

(5) The Director-General may, in his discretion, renew the registration of any registered goods subject to such conditions as he thinks fit to impose, or refuse to renew such registration.

Withdrawal or revocation of registration

16.—(1) The Director-General may withdraw the registration — 15

(a) of any registered supplier where the registered supplier applies to the Director-General to withdraw his or its registration as such; or

(b) of any registered goods which a registered supplier ceases to supply in Singapore, where the registered supplier applies to the Director-General to withdraw such registration. 20

(2) The Director-General may revoke the registration of any registered supplier after giving notice to the registered supplier and after such inquiry as the Director-General thinks fit —

(a) if the registered supplier procured the registration by providing any particulars, information or document, or by making any statement or representation, to the Director-General which is false or misleading in any material particular; 25

(b) if the Director-General is satisfied that the registered supplier has contravened any condition of the registration; 30

(c) if the registered supplier has been convicted of an offence under section 12(2) for supplying registrable goods that do not meet the prescribed minimum energy efficiency standards; or

5 (d) in the event of such other occurrence or in such other circumstances as may be prescribed.

(3) The Director-General may revoke the registration of any registered goods after giving notice to the registered supplier supplying those goods and after such inquiry as the
10 Director-General thinks fit, if he is satisfied —

(a) that the registered goods do not conform with the results of any test or examination furnished by the registered supplier to the Director-General under this Part;

15 (b) that the registered goods do not meet the prescribed minimum energy efficiency standards;

(c) that a modification to the registered goods has resulted in a change that affects the energy efficiency of the registered goods;

20 (d) that the registered supplier has procured the registration of the registered goods by providing any particulars, information or document, or by making any statement or representation, to the Director-General which is false or misleading in any material particular;

25 (e) that the registered supplier has contravened any condition of the registration of the registered goods;

(f) that the registered supplier has contravened section 12(1) by supplying any registered goods that do not meet the prescribed requirements relating to the labelling of the registered goods; or

30 (g) that the registered supplier has contravened any provision of this Act in relation to the registered goods.

(4) The Director-General shall, within 14 days after revoking any registration under subsection (2) or (3), inform the registered supplier in writing of the revocation and the grounds for the revocation.

(5) Where the registration of any registered goods has been withdrawn under subsection (1)(b) or revoked under subsection (3), it shall be the duty of every registered supplier of those goods to notify every other person —

- (a) to whom the registered supplier has supplied those goods; and 5
- (b) who, in the course of any trade or business, supplies those goods in Singapore,

of such withdrawal or revocation of the registration of the goods.

Appeals

17.—(1) Any importer or manufacturer who is aggrieved by a decision of the Director-General — 10

- (a) refusing to register him as a registered supplier, or refusing to register any registrable goods as registered goods, under section 13(4);
- (b) refusing to renew the registration of any registered goods under section 15(5); 15
- (c) to impose any condition under section 13(4) or 15(5); or
- (d) to revoke the registration of any registered supplier under section 16(2) or the registration of any registered goods under section 16(3), 20

may, within 14 days after the date of receipt of the notice informing him of the decision of the Director-General, appeal in writing to the Minister against the decision.

(2) The Minister may confirm, vary or reverse the decision of the Director-General appealed against, or give such directions in the matter as the Minister thinks fit. 25

(3) The decision of the Minister under subsection (2) shall be final.

(4) Notwithstanding that any appeal under subsection (1) is pending —

- (a) any condition imposed by the Director-General under section 13(4) or 15(5); 30

(b) any revocation of the registration of any registered supplier under section 16(2); or

(c) any revocation of the registration of any registered goods under section 16(3),

5 as the case may be, shall take effect from the date specified by the Director-General in his decision, unless the Minister otherwise directs.

Maintenance of records

10 **18.**—(1) A registered supplier shall keep and maintain complete and accurate records in such form and manner, and containing such information, as may be prescribed.

(2) The registered supplier shall make available to the Director-General the records referred to in subsection (1) for inspection.

15 (3) The registered supplier shall submit such records, or furnish such other documents or information, as may be required by the Director-General within the time specified by the Director-General.

20 (4) Any registered supplier who contravenes subsection (1), (2) or (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

Power of Director-General to require registrable goods for testing or analysis and furnishing of information

25 **19.**—(1) The Director-General may require any person carrying on a trade or business which consists of or includes the supply of any registrable goods —

(a) to provide free of charge to the Director-General samples of the registrable goods for the purpose of testing or analysis; and

30 (b) to furnish to the Director-General such documents or information as he may require in respect of those registrable goods or the supply of those registrable goods.

(2) Any person who contravenes any requirement of the Director-General under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

False statements, forging of documentation, etc.

20. Any person who —

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(a) in relation to an application for registration made under section 13(2) or to renew the registration made under section 15(5), makes or causes to be made any statement or declaration which is false or misleading in any material particular;

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(b) makes or causes to be made any entry in a record, register or other document required to be kept under this Part which to his knowledge is false or misleading in any material particular; or

(c) in response to any request of the Director-General under section 19, furnishes any document or information which to his knowledge is false or misleading in any material particular,

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shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 3 months or to both.

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Division 2 — Energy management practices for corporations

Interpretation of this Division

21. In this Division, unless the context otherwise requires —

“registered corporation” means any registrable corporation registered under section 23 as such;

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“registrable corporation” means any corporation declared, or which qualifies, by an order under section 22 to be such, but does not include a transport facility operator under Part IV.

Registrable corporation

22.—(1) The Minister may, after consultation with the Agency, by order published in the *Gazette* —

- (a) declare any qualifications by which a corporation qualifies as a registrable corporation; and
- (b) specify a period within which a registrable corporation must apply to be registered under section 23.

(2) The order under subsection (1) may describe the class, description or type of registrable corporation, or the qualifications of a registrable corporation, in terms of one or more of the following:

- (a) a particular industry or industry sector;
- (b) a type of business activity or type of premises over which a corporation has operational control;
- (c) an energy use threshold attained by a business activity, or by one or more premises, over which a corporation has operational control.

Registration of registrable corporation

23.—(1) Any corporation which qualifies as a registrable corporation shall, within the period specified in the order under section 22(1), apply in such form and manner as may be prescribed, to the Director-General to be registered.

(2) Every application under subsection (1) shall be accompanied by —

- (a) such fee as may be prescribed; and
- (b) such documents and information as may be prescribed.

(3) The Director-General shall register a corporation if the Director-General is satisfied that —

- (a) the corporation is a registrable corporation; and
- (b) the application for registration is in order.

(4) The registration of any registered corporation shall remain valid until it is cancelled under section 25.

(5) A registrable corporation which fails to apply to the Director-General to be registered within the time specified in the order shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

Register of registered corporations

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24.—(1) The Director-General shall keep and maintain a register in which shall be entered such particulars of the registered corporations as the Director-General may determine.

(2) Where the registration of any registered corporation has been cancelled under section 25, the Director-General may —

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- (a) remove the particulars of the registered corporation from the register; or
- (b) indicate the fact of such cancellation against the particulars of the registered corporation in the register.

(3) The Director-General may, upon an application by any person accompanied by such fee as may be prescribed, provide a certified copy of an entry in the register to that person.

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Corporation may apply to cancel registration

25.—(1) A registered corporation may apply to the Director-General to cancel its registration —

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- (a) subject to paragraph (b), if the registered corporation no longer qualifies as a registrable corporation;
- (b) in the case where the registered corporation had qualified as a registrable corporation by reason of any business activity or premises under its operational control having attained an energy use threshold, if that business activity or premises (as the case may be) of the registered corporation ceased to attain the energy use threshold for a continuous period of at least 3 years immediately preceding the application; or
- (c) in the event of such other occurrence or in such other circumstances as may be prescribed.

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(2) The Director-General shall cancel the registration of any registered corporation if he is satisfied that any of the grounds for cancellation in subsection (1) are made out.

5 (3) The Director-General shall, within 14 days after cancelling the registration of any corporation under subsection (2), inform the corporation in writing of the cancellation.

Power of Director-General to ascertain if corporation is registrable

10 **26.**—(1) The Director-General may, for the purpose of ascertaining whether any corporation qualifies as a registrable corporation, do all or any of the following:

(a) by notice in writing, require the corporation to —

(i) carry out such tests or inspections as the Director-General may specify; or

15 (ii) furnish to the Director-General such reports, documents or information as he may require in respect of any business activity or premises of the corporation;

(b) enter the premises of the corporation at reasonable hours and carry out such tests or inspections as the Director-General may think necessary.

20 (2) Any person who, without reasonable excuse, fails to comply with any requirement of the Director-General under subsection (1)(a) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

Periodic reporting of energy use, etc.

27.—(1) Every registered corporation shall, within the period and in the manner prescribed, prepare and submit to the Director-General in accordance with subsection (2), a report relating to the —

30 (a) energy consumption;

(b) energy production; and

(c) greenhouse gas emissions,

from the operation of any business activity or premises or part thereof under the operational control of the registered corporation during a prescribed period.

(2) A report under subsection (1) shall —

- (a) be in such form as may be provided by the Director-General; 5
- (b) contain data on the required information computed in accordance with such method as may be prescribed or any method which meets such criteria as may be prescribed; and
- (c) contain such other information as may be prescribed.

(3) The Director-General may, in respect of any incomplete or inaccurate report from a registered corporation, in writing direct the registered corporation to do the following within the period specified in the direction: 10

- (a) to carry out such rectifications or re-computation as the Director-General may require; and 15
- (b) to re-submit the report.

(4) Any registered corporation which —

- (a) fails to submit or re-submit a report under this section within the period delimited under this section, or within such extended time as the Director-General may allow in any particular case; 20
- (b) fails to comply with any direction given by the Director-General under subsection (3)(a); or
- (c) submits a false or misleading report,

shall be guilty of an offence. 25

Records to be kept

28.—(1) Every registered corporation shall keep and maintain complete and accurate records in the prescribed form and manner containing such information as may be prescribed —

- (a) where the records are relevant to the preparation by the registered corporation of complete and accurate reports under 30

section 27 or energy efficiency improvement plans under section 29; and

(b) where the records are relevant to monitoring and evaluating compliance by the registered corporation with this Act.

5 (2) A registered corporation shall —

(a) retain the records referred to in subsection (1) for such period as may be prescribed; and

10 (b) during that prescribed period, make available to the Director-General or any authorised officer the records referred to in subsection (1) for inspection whenever requested to do so by the Director-General.

(3) A registered corporation shall submit such records, or furnish such other documents or information, as may be required by the Director-General within the time specified by the Director-General.

15 (4) Any registered corporation which contravenes subsection (1), (2) or (3) shall be guilty of an offence.

Energy efficiency improvement plans

20 **29.**—(1) Unless granted a waiver under subsection (3), a registered corporation shall prepare and submit to the Director-General, in accordance with subsection (2) and such other requirements as may be prescribed, an energy efficiency improvement plan for a prescribed period in respect of any business activity or premises over which the registered corporation has operational control.

(2) An energy efficiency improvement plan shall —

25 (a) contain such information (including information on the implementation of any part of the plan) as may be prescribed; and

(b) be submitted at the prescribed intervals and within the prescribed period.

30 (3) A registered corporation which is unable to comply with subsection (1) in any particular case may apply in writing to the Director-General for a waiver and the Director-General may, if he is satisfied that there are good reasons to do so, waive the application of

subsection (1) for a specified period of time or in respect of a specified business activity or specified premises or part thereof of the registered corporation.

(4) The Director-General may, in respect of any incomplete energy efficiency improvement plan, in writing direct the registered corporation, within the time specified in the direction —

(a) to carry out such rectifications or re-computation as the Director-General may require; and

(b) to re-submit the energy efficiency improvement plan.

(5) Any registered corporation which contravenes subsection (1) or fails to comply with a direction under subsection (4) shall be guilty of an offence.

Appointment of energy manager

30.—(1) Unless granted a waiver under subsection (5), every registered corporation shall appoint from among its employees such number of energy managers as may be prescribed for that class, description or type of registered corporation, each being an employee who has the prescribed qualifications and training to carry out the following functions:

(a) assist the registered corporation —

(i) to prepare the report for submission under section 27;

(ii) to maintain the records required under section 28;

(iii) to prepare the energy efficiency improvement plan for submission under section 29 and implement the energy efficiency measures proposed in the energy efficiency improvement plan; and

(iv) generally to comply with the provisions of this Act;

(b) train and educate employees of the registered corporation as to the energy conservation practices of the registered corporation;

(c) encourage energy conservation efforts by the registered corporation; and

(d) carry out such other duties as may be prescribed.

(2) A registered corporation shall notify the Director-General of every appointment of an energy manager within such period as may be prescribed.

5 (3) Where the Director-General is of the opinion that an energy manager is not suitably qualified, having regard to the prescribed qualifications or training (including any prescribed requirements relating to continuing education or training), the Director-General may direct the registered corporation to appoint another suitably
10 qualified energy manager in place of the first-mentioned energy manager within a specified time, and the registered corporation shall comply with such direction.

(4) If any energy manager appointed under subsection (1) for any reason vacates his appointment —

15 (a) both the registered corporation and the energy manager shall each, within such period as may be prescribed, notify the Director-General of that fact; and

(b) if the energy manager who vacates his office is the only
20 energy manager of the registered corporation, the registered corporation shall —

(i) without delay appoint under subsection (1) another energy manager in substitution of the first-mentioned energy manager; and

25 (ii) within such period as may be prescribed, notify the Director-General of that substitute appointment.

(5) A registered corporation which is unable to comply with subsection (1) in any particular case may apply in writing to the Director-General for a waiver and the Director-General may, if he is
30 satisfied that there are good reasons to do so, waive the application of subsection (1) for a specified period of time.

(6) Any registered corporation which contravenes subsection (1), (2), (3) or (4) shall be guilty of an offence.

Energy manager not to falsify data

31. Any energy manager appointed under section 30 who —

- (a) in any report or energy efficiency improvement plan prepared for submission to the Director-General under this Act, makes any statement which he knows to be false or misleading; 5
- (b) makes any entry or omission in any record required to be kept under this Act, which he knows to be false or misleading, or makes any record containing a statement which he knows to be false or misleading; or
- (c) falsifies any data required to be submitted to the Director-General under this Act, 10

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

Penalties for non-compliance

32. A registered corporation which is guilty of an offence under section 27, 28, 29 or 30 shall be liable — 15

- (a) on the first conviction to a fine not exceeding \$10,000; and
- (b) on a second or subsequent conviction to a fine not exceeding \$20,000 and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part thereof during which the offence continues after that second or subsequent conviction. 20

Division 3 — Powers of enforcement

Entering premises, etc., to monitor compliance

33. For the purposes of determining whether this Part has been complied with, an authorised officer may, on declaration of his office and production to the person against whom he is acting of such identification card as the Director-General may direct to be carried by authorised officers — 25

- (a) enter any premises owned or occupied by — 30
 - (i) a supplier of registrable goods; or

(ii) a registrable corporation,

during normal business hours without notice, or at any other time after giving not less than 6 hours' previous notice to the occupier of the premises (unless the occupier has consented to a shorter period of notice); and

(b) exercise any of the powers set out in sections 34, 35 and 36.

Powers of authorised officers in monitoring compliance

34.—(1) An authorised officer may exercise all or any of the following powers in relation to premises under section 33:

- (a) search the premises for any thing that may relate to compliance with this Part;
- (b) examine any activity conducted on the premises that may relate to information provided for the purposes of this Part;
- (c) examine any thing on the premises that may relate to information provided for the purposes of this Part;
- (d) take photographs or make video or audio recordings or sketches on the premises of any such activity or thing;
- (e) affix or bring onto the premises, with such assistants and workmen as may be necessary, any meter or instrument and take readings therefrom, or take readings from any meter or instrument on the premises;
- (f) inspect any document on the premises that may relate to information provided for the purposes of this Part;
- (g) take extracts from, or make copies of, any such document;
- (h) take onto the premises such equipment and materials as the authorised officer requires for the purpose of exercising powers in relation to the premises;
- (i) seize any thing found during the exercise of monitoring powers on the premises which the authorised officer believes on reasonable grounds affords evidence of a contravention of this Part.

(2) An authorised officer may, in addition to the powers in subsection (1) —

- (a) compel any person who is able to operate any equipment at the premises to do so for the purpose of enabling the authorised officer to ascertain whether the equipment, or a disk, tape or other storage device that can be used or associated with the equipment, contains information that is relevant to assessing compliance with this Part; and 5
- (b) if such information is found in exercise of the power in paragraph (a) — 10
 - (i) produce, or compel the production of, the information in documentary form, and keep or copy the documents so produced; or
 - (ii) transfer, or compel the transfer of, the information to a disk, tape or other storage device, and remove it from the premises. 15

Authorised officer may require persons to furnish information and produce documents

35.—(1) An authorised officer may require —

- (a) any supplier of registrable goods; 20
- (b) any registrable corporation;
- (c) any person who apparently represents a person referred to in paragraph (a) or (b);
- (d) an energy manager of a registered corporation; or
- (e) any person who is on the premises of a person referred to in paragraph (a) or (b) when the authorised officer exercises his powers under section 33 or 34, 25

to furnish any information within the knowledge of that person or produce any document in his custody or under his control in connection with the matter, and may, without payment, inspect, keep, copy or make extracts from such document. 30

(2) Any person who, without reasonable excuse, refuses or fails to comply with a requirement under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

5 **Power to demand names and addresses**

36.—(1) An authorised officer may require any person found on the premises under section 33 to —

(a) give his name and address and such other proof of identity;
and

10 (b) furnish such other particulars,

as the authorised officer may require for the purposes of this Part.

(2) Any person who, upon being required by the authorised officer to give his name and address or other proof of identity or to furnish any particulars under subsection (1) —

15 (a) refuses to do so;

(b) wilfully mis-states his name and address or proof of identity;
or

(c) furnishes false particulars,

shall be guilty of an offence and shall be liable on conviction to a fine
20 not exceeding \$5,000.

**Supplier of registrable goods and registrable corporation to
provide authorised officer with all facilities and assistance**

25 **37.** The supplier of any registrable goods and any registrable corporation shall provide the Director-General or any authorised officer exercising his powers under this Part, and any person assisting the Director-General or that officer, all reasonable facilities and assistance for the effective exercise of their powers.

**Penalty for obstructing Director-General or authorised officer
in his duty**

30 **38.** Any person who at any time hinders or obstructs the Director-General or any authorised officer in the performance or

execution of his duty or of any thing which he is empowered or required to do under this Part shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both; and 5
- (b) in the case of a second or subsequent conviction, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 3 months or to both.

PART IV

ENERGY CONSERVATION MEASURES FOR TRANSPORT SECTOR 10

Division 1 — Fuel economy labelling, etc., of motor vehicles

Interpretation of this Division

39. In this Division, unless the context otherwise requires —

“authorised dealer” means a person who is appointed to sell a vehicle in Singapore under a distributorship agreement with the manufacturer of the vehicle; 15

“batch type-approval”, “modified type-approval” and “type-approval” have the same meanings as in rule 3D of the Road Traffic (Motor Vehicles, Registration and Licensing) Rules (Cap. 276, R 5); 20

“FEL effective date” or “fuel economy labelling effective date”, in relation to any motor vehicle, means the date on which the motor vehicle becomes one of a class, description or type of motor vehicle specified in an order under section 40; 25

“sale” includes attempting to sell, causing or allowing to be sold, or displaying for sale.

Motor vehicles subject to fuel economy requirements

40. The Transport Minister may, after consultation with the Land Transport Authority, by order published in the *Gazette*, declare any class, description or type of motor vehicle to be subject to the fuel 30

economy requirements in this Division from the date specified in the order.

Fuel economy certificate, data and testing

5 **41.** Any authorised dealer, manufacturer or importer of motor vehicles intending to sell or offer for sale any motor vehicle of a class, description or type specified in an order under section 40 in Singapore on or after the FEL effective date in respect of that motor vehicle shall —

10 (a) when applying for type-approval, batch type-approval or modified type-approval in respect of motor vehicles of that class, description or type, submit to the Registrar the following documents relating to the class, description or type of motor vehicle, in accordance with the prescribed requirements:

15 (i) a certificate relating to fuel economy issued by a standards organisation or an international authority recognised by the Registrar;

20 (ii) fuel consumption and carbon dioxide emissions data issued by a vehicle emission testing laboratory recognised by the Registrar or measured in accordance with any prescribed method or any method which meets any prescribed criteria; and

(iii) such other information and documents relating to fuel economy as may be prescribed; and

25 (b) if required by the Registrar —

(i) send one or more of the motor vehicles for such tests or inspections as the Registrar may specify; or

30 (ii) furnish to the Registrar such further documents or information as he may require in respect of those motor vehicles.

Fuel economy labelling

42.—(1) No person shall, in the course of any trade or business, sell or offer for sale any motor vehicle of a class, description or type

specified in an order under section 40 in Singapore on or after the FEL effective date for that motor vehicle, unless —

- (a) throughout the period that the motor vehicle is displayed for sale, the motor vehicle bears the fuel economy label approved by the Registrar for that class, description or type of motor vehicle, in the prescribed manner; and 5
- (b) any printed promotional material or advertisement distributed by him relating to the class, description or type of motor vehicle contains the prescribed information relating to the fuel economy of the motor vehicle in such form and manner as may be prescribed. 10

(2) Any person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

False statements, forging of documentation, etc. 15

43. Any person who —

- (a) in relation to any submission to the Registrar under section 41, makes or causes to be made any statement or declaration which is false or misleading in any material particular; 20
- (b) makes or causes to be made any entry or omission in the information or documents submitted to the Registrar, which to his knowledge is false or misleading in any material particular; or
- (c) forges any approval, certificate or data required to be submitted to the Registrar or any fuel economy label, 25

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 3 months or to both.

*Division 2 — Energy management practices for transport
facility operators*

Interpretation of this Division

5 **44.** In this Division, unless the context otherwise requires, “transport facility operator” means any transport facility operator declared, or which qualifies, by an order under section 45 to be such.

Transport facility operators

45.—(1) The Transport Minister may, by order published in the *Gazette* —

10 (a) declare any airport service operator, land transport operator or port service operator to be a transport facility operator from the date specified in the order; or

15 (b) declare any qualifications by which any airport service operator, land transport operator or port service operator qualifies as a transport facility operator.

(2) The order under subsection (1) may describe the qualifications of a transport facility operator, in terms of one or both of the following:

20 (a) a type of business activity or type of premises over which an airport service operator, a land transport operator or a port service operator has operational control;

25 (b) an energy use threshold attained by a business activity, or by one or more premises, over which an airport service operator, a land transport operator or a port service operator has operational control.

Power of sector regulator to ascertain if entity is transport facility operator

30 **46.—**(1) The appropriate sector regulator may, for the purpose of ascertaining whether any airport service operator, land transport operator or port service operator qualifies as a transport facility operator, do all or any of the following:

(a) by notice in writing, require the airport service operator, land transport operator or port service operator, as the case may be, to —

(i) carry out such tests or inspections as the sector regulator may specify; or

(ii) furnish to the sector regulator such reports, documents or information as it may require in respect of any business activity or premises of the airport service operator, land transport operator or port service operator;

(b) enter the premises of the airport service operator, land transport operator or port service operator, as the case may be, at reasonable hours and carry out such tests or inspections as a transport sector authorised officer of the sector regulator may think necessary.

(2) Any person who, without reasonable excuse, fails to comply with any requirement of the sector regulator under subsection (1)(a) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

Periodic reporting of energy use, etc.

47.—(1) Every transport facility operator shall, within the period and in the manner prescribed, prepare and submit to the appropriate sector regulator in accordance with subsection (2), a report relating to the —

(a) energy consumption;

(b) energy production; and

(c) greenhouse gas emissions,

from the operation of any business activity or premises or part thereof under the operational control of the transport facility operator during a prescribed period.

(2) A report under subsection (1) shall —

(a) be in such form as may be provided by the sector regulator;

(b) contain data on the required information computed in accordance with such method as may be prescribed or any method which meets such criteria as may be prescribed; and

(c) contain such other information as may be prescribed.

5 (3) The sector regulator may, in respect of any incomplete or inaccurate report from a transport facility operator, in writing direct the transport facility operator to do the following within the period specified in the direction:

10 (a) to carry out such rectifications or re-computation as the sector regulator may require; and

(b) to re-submit the report.

(4) Any transport facility operator which —

15 (a) fails to submit or re-submit a report under this section within the period delimited under this section or within such extended time as the sector regulator may allow in any particular case;

(b) fails to comply with any direction given by the sector regulator under subsection (3)(a); or

(c) submits a false or misleading report,

20 shall be guilty of an offence.

Records to be kept

48.—(1) Every transport facility operator shall keep and maintain complete and accurate records in the prescribed form and manner containing such information as may be prescribed —

25 (a) where the records are relevant to the preparation by the transport facility operator of complete and accurate reports under section 47 or energy efficiency improvement plans under section 49; and

30 (b) where the records are relevant to monitoring and evaluating compliance by the transport facility operator with this Act.

(2) A transport facility operator shall —

(a) retain the records referred to in subsection (1) for such period as may be prescribed; and

(b) during that prescribed period, make available to any transport sector authorised officer of the sector regulator the records referred to in subsection (1) for inspection whenever requested to do so by the transport sector authorised officer.

(3) A transport facility operator shall submit such records, or furnish such other documents or information, as may be required by the sector regulator within the time specified by the sector regulator.

(4) Any transport facility operator which contravenes subsection (1), (2) or (3) shall be guilty of an offence.

Energy efficiency improvement plans

49.—(1) Unless granted a waiver under subsection (3), a transport facility operator shall prepare and submit to the appropriate sector regulator, in accordance with subsection (2) and such other requirements as may be prescribed, an energy efficiency improvement plan for a prescribed period in respect of any business activity or premises over which the transport facility operator has operational control.

(2) An energy efficiency improvement plan shall —

(a) contain such information (including information on the implementation of any part of the plan) as may be prescribed; and

(b) be submitted at the prescribed intervals and within the prescribed period.

(3) A transport facility operator which is unable to comply with subsection (1) in any particular case may apply in writing to the sector regulator for a waiver and the sector regulator may, if it is satisfied that there are good reasons to do so, waive the application of subsection (1) for a specified period of time or in respect of a specified business activity or specified premises or part thereof of the transport facility operator.

(4) The sector regulator may, in respect of any incomplete energy efficiency improvement plan, in writing direct the transport facility operator, within the time specified in the direction —

5 (a) to carry out such rectifications or re-computation as the sector regulator may require; and

(b) to re-submit the energy efficiency improvement plan.

(5) Any transport facility operator which contravenes subsection (1) or fails to comply with a direction under subsection (4) shall be guilty of an offence.

10 **Appointment of energy manager**

15 **50.**—(1) Unless granted a waiver under subsection (5), every transport facility operator shall appoint from among its employees such number of energy managers as may be prescribed for that class, description or type of transport facility operator, each being an employee who has the prescribed qualifications and training to carry out the following functions:

(a) assist the transport facility operator —

(i) to prepare the report for submission under section 47;

(ii) to maintain the records required under section 48;

20 (iii) to prepare the energy efficiency improvement plan for submission under section 49 and implement the energy efficiency measures proposed in the energy efficiency improvement plan; and

(iv) generally to comply with the provisions of this Act;

25 (b) train and educate employees of the transport facility operator as to the energy conservation practices of the transport facility operator;

(c) encourage energy conservation efforts by the transport facility operator; and

30 (d) carry out such other duties as may be prescribed.

(2) A transport facility operator shall notify the appropriate sector regulator of every appointment of an energy manager within such period as may be prescribed.

(3) Where the sector regulator is of the opinion that an energy manager is not suitably qualified, having regard to the prescribed qualifications or training (including any prescribed requirements relating to continuing education or training), the sector regulator may direct the transport facility operator to appoint another suitably qualified energy manager in place of the first-mentioned energy manager within a specified time, and the transport facility operator shall comply with such direction. 5 10

(4) If any energy manager appointed under subsection (1) for any reason vacates his appointment —

(a) both the transport facility operator and the energy manager shall each, within such period as may be prescribed, notify the sector regulator of that fact; and 15

(b) if the energy manager who vacates his office is the only energy manager of the transport facility operator, the transport facility operator shall —

(i) without delay appoint under subsection (1) another energy manager in substitution of the first-mentioned energy manager; and 20

(ii) within such period as may be prescribed, notify the sector regulator of that substitute appointment.

(5) A transport facility operator which is unable to comply with subsection (1) in any particular case may apply in writing to the sector regulator for a waiver and the sector regulator may, if it is satisfied that there are good reasons to do so, waive the application of subsection (1) for a specified period of time. 25

(6) Any transport facility operator which contravenes subsection (1), (2), (3) or (4) shall be guilty of an offence. 30

Energy manager not to falsify data

51. Any energy manager appointed under section 50 who —

- (a) in any report or energy efficiency improvement plan prepared for submission to the appropriate sector regulator under this Act, makes any statement which he knows to be false or misleading;
- (b) makes any entry or omission in any record required to be kept under this Act, which he knows to be false or misleading, or makes any record containing a statement which he knows to be false or misleading; or
- (c) falsifies any data required to be submitted to the appropriate sector regulator under this Act,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000.

Penalties for non-compliance

52. A transport facility operator which is guilty of an offence under section 47, 48, 49 or 50 shall be liable —

- (a) on the first conviction to a fine not exceeding \$10,000; and
- (b) on a second or subsequent conviction to a fine not exceeding \$20,000 and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part thereof during which the offence continues after that second or subsequent conviction.

Division 3 — Powers of enforcement

Entering premises, etc., to monitor compliance

53. For the purposes of determining whether this Part has been complied with, a transport sector authorised officer of the appropriate sector regulator may, on declaration of his office and production to the person against whom he is acting of such identification card as the sector regulator may direct to be carried by its transport sector authorised officers —

- (a) enter any premises owned or occupied by —
 - (i) an authorised dealer, manufacturer or importer of motor vehicles; or
 - (ii) a transport facility operator,
 - during normal business hours without notice, or at any other time after giving not less than 6 hours' previous notice to the occupier of the premises (unless the occupier has consented to a shorter period of notice); and
- (b) exercise the powers set out in sections 54, 55 and 56.

Powers of transport sector authorised officers in monitoring compliance

54.—(1) A transport sector authorised officer of the appropriate sector regulator may exercise all or any of the following powers in relation to premises under section 53:

- (a) search the premises for any thing that may relate to compliance with this Part;
- (b) examine any activity conducted on the premises that may relate to information provided for the purposes of this Part;
- (c) examine any thing on the premises that may relate to information provided for the purposes of this Part;
- (d) take photographs or make video or audio recordings or sketches on the premises of any such activity or thing;
- (e) affix or bring onto the premises, with such assistants and workmen as may be necessary, any meter or instrument and take readings therefrom, or take readings from any meter or instrument on the premises;
- (f) inspect any document on the premises that may relate to information provided for the purposes of this Part;
- (g) take extracts from, or make copies of, any such document;
- (h) take onto the premises such equipment and materials as the transport sector authorised officer requires for the purpose of exercising powers in relation to the premises;

(i) seize any thing found during the exercise of monitoring powers on the premises which the transport sector authorised officer believes on reasonable grounds affords evidence of a contravention of this Part.

5 (2) A transport sector authorised officer of the sector regulator may, in addition to the powers in subsection (1) —

(a) compel any person who is able to operate any equipment at the premises to do so for the purpose of enabling the transport sector authorised officer to ascertain whether the equipment, or a disk, tape or other storage device that can be used or associated with the equipment, contains information that is relevant to assessing compliance with this Part; and

(b) if such information is found in exercise of the power in paragraph (a) —

15 (i) produce, or compel the production of, the information in documentary form, and keep or copy the documents so produced; or

(ii) transfer, or compel the transfer of, the information to a disk, tape or other storage device, and remove it from the premises.

Transport sector authorised officer may require persons to furnish information and produce documents

55.—(1) A transport sector authorised officer of the appropriate sector regulator may require —

25 (a) any authorised dealer, manufacturer or importer of motor vehicles;

(b) any transport facility operator;

(c) any person who apparently represents a person referred to in paragraph (a) or (b);

30 (d) an energy manager of a transport facility operator; or

(e) any person who is on the premises of a person referred to in paragraph (a) or (b) when the transport sector authorised officer exercises his powers under section 53 or 54,

to furnish any information within the knowledge of that person or produce any document in his custody or under his control in connection with the matter, and may, without payment, inspect, keep, copy or make extracts from such document.

(2) Any person who, without reasonable excuse, refuses or fails to comply with a requirement under subsection (1) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000. 5

Power to demand names and addresses

56.—(1) A transport sector authorised officer of the appropriate sector regulator may require any person found on the premises under section 53 to — 10

(a) give his name and address and such other proof of identity; and

(b) furnish such other particulars, 15

as the transport sector authorised officer may require for the purposes of this Part.

(2) Any person who, upon being required by the transport sector authorised officer to give his name and address or other proof of identity or to furnish any particulars under subsection (1) — 20

(a) refuses to do so;

(b) wilfully mis-states his name and address or proof of identity; or

(c) furnishes false particulars,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000. 25

Powers to examine and secure attendance, etc.

57.—(1) For the purpose of investigating any offence under this Part, a transport sector authorised officer of the appropriate sector regulator may do all or any of the following: 30

(a) examine orally any person who appears to be acquainted with the facts and circumstances of matters under this Part —

(i) whether before or after that person or anyone else is charged with an offence in connection with the matter; and

5 (ii) whether or not that person is to be called as a witness in any inquiry, trial or other proceeding in connection with the matter;

10 (b) require by notice in writing the attendance before himself of any person within the limits of Singapore, who, from information given or otherwise, appears to be acquainted with the facts and circumstances of matters under this Part, and that person shall attend as required;

15 (c) require any person to furnish any information or produce any book, document or copy thereof in the possession of that person and, without payment, inspect, keep, copy or take extracts from such book or document.

(2) Any person examined under this section shall be bound to state truly what he knows of the facts and circumstances concerning matters under this Part, except that he need not say anything that might expose him to a criminal charge, penalty or forfeiture.

20 (3) A statement made by any person examined under this section shall —

(a) be reduced to writing;

(b) be read over to him;

25 (c) if he does not understand English, be interpreted for him in a language that he understands; and

(d) after correction, if necessary, be signed by him.

30 (4) If any person fails to attend as required by a notice under subsection (1)(b), the transport sector authorised officer may report such failure to a Magistrate who may thereupon issue a warrant to secure the attendance of that person as required by the notice.

Authorised dealer, etc., and transport facility operator to provide transport sector authorised officer with all facilities and assistance

58. Any authorised dealer, manufacturer or importer of motor vehicles and any transport facility operator shall provide any transport sector authorised officer exercising his powers under this Part, and any person assisting that officer, all reasonable facilities and assistance for the effective exercise of their powers.

5

Penalty for obstructing transport sector authorised officer in his duty

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59. Any person who at any time hinders or obstructs any transport sector authorised officer in the performance or execution of his duty or of any thing which the transport sector authorised officer is empowered or required to do under this Part shall be guilty of an offence and shall be liable on conviction —

15

- (a) to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 3 months or to both; and
- (b) in the case of a second or subsequent conviction, to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 3 months or to both.

20

Composition of offences

60.—(1) The appropriate sector regulator or an officer authorised by the sector regulator to compound offences may, in its or his discretion, compound any offence under this Part which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence, a sum not exceeding the lower of the following sums:

25

- (a) one half of the amount of the maximum fine that is prescribed for the offence; or
- (b) a sum of \$5,000.

30

(2) On payment of such sum of money, no further proceedings shall be taken against that person in respect of the offence.

(3) The Transport Minister may make regulations to prescribe the offences which may be compounded.

(4) All sums collected under this section shall be paid to the Consolidated Fund.

5 **Exemption**

61. The Transport Minister may, by order published in the *Gazette* and with or without conditions, exempt —

- 10 (a) any class, description or type of motor vehicles, business activity or premises from all or any of the provisions of this Part; or
- (b) any class or description of persons from compliance with all or any of the provisions of this Part.

Regulations

15 **62.—**(1) The Transport Minister may make such regulations as he may consider necessary or expedient for carrying out the purposes and provisions of this Part.

(2) Without prejudice to the generality of subsection (1), the Transport Minister may make regulations for or with respect to all or any of the following matters:

- 20 (a) prescribing additional fuel economy testing, labelling or reporting requirements in relation to any class, description or type of motor vehicle specified in an order under section 40;
- (b) specifying a minimum fuel economy standard with which any class, description or type of motor vehicle specified in an order under section 40 must comply;
- 25 (c) establishing a register of transport facility operators;
- (d) specifying any energy efficiency standards or energy management standards with which any class or description of transport facility operators must comply;
- 30 (e) in relation to reports under section 47 —
 - (i) specifying the methods, or criteria for methods, by which the amounts of emissions, reduction, removal,

offsets, energy production or energy consumption are to be measured, including specifying —

- (A) different methods or criteria for different transport facility operators;
 - (B) different methods or criteria depending on the circumstances in which the emissions, reduction, removal, offsets, production or consumption occurred; 5
 - (C) conditions relating to the use of different methods or criteria; 10
 - (D) rating systems for those methods (including different rating systems for different circumstances); and
 - (E) the particular rating given to each of those methods; and 15
- (ii) specifying different requirements in relation to the information to be supplied in the report for different circumstances;
- (f) requirements for the preparation and submission of a report under section 47 or an energy efficiency improvement plan under section 49; 20
- (g) requirements relating to the implementation of energy efficiency measures proposed in any energy efficiency improvement plan under section 49;
- (h) in relation to an energy manager under this Part — 25
- (i) the requirements for the appointment, training and qualification of an energy manager;
 - (ii) the functions and duties of an energy manager; and
 - (iii) the powers of an energy manager, being necessary powers for the discharge of his functions and duties; 30
- (i) prescribing any forms for use under this Part;

- (j) prescribing any fees and charges payable for the purposes of this Part;
- (k) prescribing any other matter which is required or permitted to be prescribed to give effect to this Part.

5 (3) The Transport Minister may, in making any regulations under this section, provide that any contravention of any of the provisions of such regulations shall be an offence punishable with a fine not exceeding \$10,000 or with imprisonment for a term not exceeding 12 months or with both.

10 **Adoption of codes and standards**

63.—(1) Any regulations made under section 62 may adopt wholly or partially, or as amended by the regulations or by reference, any code, standard, rule, specification or provision which relates to any matter with which the regulations deal and which —

- 15 (a) is recommended, issued or adopted by any standards organisation or body (whether within or outside Singapore) approved by the appropriate sector regulator; or
- (b) is considered by the appropriate sector regulator to be appropriate for adoption for the purposes of this Part.

20 (2) The sector regulator shall cause a copy of every code, standard, rule, specification or provision adopted under subsection (1) to be made available for inspection by members of the public without charge at the office of the sector regulator during normal office hours.

25 (3) In any proceedings, a copy certified by the appropriate sector regulator as a true copy of a code, standard, rule, specification or provision adopted under subsection (1) shall be evidence of the code, standard, rule, specification or provision so adopted.

PART V

MISCELLANEOUS

Power to obtain energy consumption data from energy suppliers

64.—(1) For the purpose of carrying out his duties and functions under this Act, or obtaining information to assist a sector regulator in carrying out its duties and functions under Part IV, the Director-General may, by a notice in writing to any of the following persons (referred to in this section as an energy supplier), require the energy supplier to furnish to him data relating to the energy consumption of any person, business activity or premises specified in the notice:

- (a) any electricity licensee under the Electricity Act (Cap. 89A);
- (b) any gas licensee under the Gas Act (Cap. 116A);
- (c) any other supplier of steam, oil, fuel, district cooling services or other types of energy.

(2) An energy supplier to whom a notice is directed under subsection (1) shall provide the data required in the form and manner and within the time specified in the notice.

(3) An energy supplier which, without reasonable excuse, contravenes subsection (2) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000.

Energy and environment impact surveys

65.—(1) The Director-General may, from time to time, undertake investigations or surveys of the levels of energy consumption, energy production or greenhouse gas emissions for the purposes of —

- (a) assessing the impact on the environment of certain industries or activities; or
- (b) advising the Minister or other public bodies concerning energy or environmental policies.

(2) For the purpose of any investigation or survey under subsection (1), the Director-General may by notice in writing

require any person to furnish him, within such time and in such form and manner as he may specify, such information relating to the energy consumption, energy production or greenhouse gas emissions of that person as the Director-General may require.

- 5 (3) Any person to whom a notice under subsection (2) is directed who fails, without reasonable excuse, to comply with the notice shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

Powers to examine and secure attendance, etc.

10 **66.**—(1) For the purpose of investigating any offence under this Act (except Part IV), an authorised officer may do all or any of the following:

(a) examine orally any person who appears to be acquainted with the facts and circumstances of matters under this Act —

15 (i) whether before or after that person or anyone else is charged with an offence in connection with the matter; and

(ii) whether or not that person is to be called as a witness in any inquiry, trial or other proceeding in connection with the matter;

20

(b) require by notice in writing the attendance before himself of any person within the limits of Singapore, who, from information given or otherwise, appears to be acquainted with the facts and circumstances of matters under this Act, and that person shall attend as required;

25

(c) require any person to furnish any information or produce any book, document or copy thereof in the possession of that person and, without payment, inspect, keep, copy or take extracts from such book or document.

30 (2) Any person examined under this section shall be bound to state truly what he knows of the facts and circumstances concerning matters under this Act, except that he need not say anything that might expose him to a criminal charge, penalty or forfeiture.

(3) A statement made by any person examined under this section shall —

- (a) be reduced to writing;
- (b) be read over to him;
- (c) if he does not understand English, be interpreted for him in a language that he understands; and 5
- (d) after correction, if necessary, be signed by him.

(4) If any person fails to attend as required by a notice under subsection (1)(b), the authorised officer may report such failure to a Magistrate who may thereupon issue a warrant to secure the attendance of that person as required by the notice. 10

Notices and other documents may be given by authorised officer or transport sector authorised officer

67.—(1) All notices and other documents of any nature which —

- (a) the Director-General is empowered to give under this Act may, subject to the direction of the Director-General, be given by any authorised officer on behalf of the Director-General; and 15
- (b) a sector regulator is empowered to give under this Act may, subject to the direction of the sector regulator, be given by any transport sector authorised officer appointed by that sector regulator on its behalf. 20

(2) Where any such notice or document referred to in subsection (1)(a) requires authentication, the signature or an official facsimile thereof of the Director-General or an authorised officer affixed thereto shall be sufficient authentication. 25

(3) Where any such notice or document referred to in subsection (1)(b) requires authentication, the signature or an official facsimile thereof of the Chief Executive, or a transport sector authorised officer, of the sector regulator affixed thereto shall be sufficient authentication. 30

Service of documents, etc.

68.—(1) Every notice or document required or authorised by this Act to be served on any person may be served —

(a) in the case of an individual —

- 5 (i) by delivering it to the individual personally;
- (ii) by leaving it with an adult person apparently resident at, or by sending it by post to, the usual or last known address of the place of residence of the individual;
- 10 (iii) by leaving it with an adult person apparently employed at, or by sending it by post to, the usual or last known address of the place of business of the individual;
- (iv) by affixing a copy of the notice in a conspicuous place at the usual or last known address of the place of residence or business of the individual; or
- 15 (v) by sending it by facsimile transmission to the fax transmission number operated at the usual or last known address of the place of residence or business of the individual, or the last fax number given to an authorised officer or a transport sector authorised officer by the individual as the facsimile transmission number for the service of documents on the individual;
- 20

(b) in the case of a partnership other than a limited liability partnership —

- 25 (i) by delivering it to any one of the partners or the secretary or other like officer of the partnership;
- (ii) by leaving it at, or by sending it by post to, the principal or last known place of business of the partnership in Singapore; or
- 30 (iii) by sending it by facsimile transmission to the fax transmission number operated at the principal or last known place of business of the partnership in Singapore; and

(c) in the case of a body corporate —

- (i) by delivering it to the secretary or other like officer of the body corporate or, in the case of a limited liability partnership, the manager thereof;
- (ii) by leaving it at, or by sending it by post to, the registered office or principal office of the body corporate in Singapore; or
- (iii) by sending it by facsimile transmission to the fax transmission number operated at the registered office or principal office of the body corporate in Singapore.

(2) Where any notice or other document to be served on any person is —

- (a) sent by a facsimile transmission to the fax transmission number operated at the last known place of residence or business or registered office or principal office in accordance with subsection (1), it shall be deemed to have been duly served on the person to whom it is addressed on the day of transmission, subject to receipt on the sending facsimile machine of a notification (by electronic or other means) of a successful transmission to the place of residence or business or registered office or principal office, as the case may be; and
- (b) sent by post, it shall be deemed to have been duly served on the person to whom it is addressed by the time at which it would have been delivered in the ordinary course of post.

(3) A notice or other document required or authorised by this Act to be served on the owner or occupier of any premises shall be deemed to be properly addressed if addressed by the description of the “owner” or “occupier” of the premises without further name or description.

(4) This section shall not apply to notices and other documents to be served in proceedings in court.

(5) In this section, “body corporate” includes a limited liability partnership.

Inaccuracies in document

5 **69.**—(1) No misnomer or inaccurate description of any person, premises, building, holding, street or place named or described in any document prepared, issued or served under, by virtue of or for the purposes of this Act shall in any way affect the operation of this Act as respects that person or place if that person or place is so designated in the document as to be identifiable.

(2) No proceedings taken under or by virtue of this Act shall be invalid for want of form.

Evidence

10 **70.**—(1) The contents of any document prepared, issued or served by the Agency, a sector regulator or any authorised officer or transport sector authorised officer under or for the purposes of this Act shall, until the contrary is proved, be presumed to be correct.

15 (2) All records, registers and other documents kept by the Agency or a sector regulator or by any authorised officer or transport sector authorised officer for the purposes of this Act shall be deemed to be public documents, and copies thereof or extracts therefrom certified by an officer or employee of the Agency or sector regulator
20 responsible for the custody thereof to be true copies or extracts, as the case may be, and subscribed by such officer or employee with his name and his official title shall be admissible in evidence as proof of the contents of the documents or extracts therefrom.

Disclosure of information

25 **71.** Notwithstanding section 47 of the National Environment Agency Act (Cap. 195), section 14 of the Civil Aviation Authority of Singapore Act 2009 (Act 17 of 2009), section 41 of the Land Transport Authority of Singapore Act (Cap. 158A) and section 98 of the Maritime and Port Authority of Singapore Act (Cap. 170A) —

30 (a) the Director-General, and any authorised officer with the approval of the Director-General; and

(b) each of the sector regulators, and any transport sector authorised officer with the approval of the appropriate sector regulator,

may furnish any information, report or document obtained in the performance of their duties or in the exercise of their functions under this Act to any of the public officers or statutory bodies set out in the First Schedule for the purpose of enabling the performance or discharge by that public officer or statutory body of his or its functions or duties. 5

Offences by bodies corporate, etc.

72.—(1) Where an offence under this Act committed by a body corporate is proved —

(a) to have been committed with the consent or connivance of an officer of the body corporate; or 10

(b) to be attributable to any act or default on his part,

the officer as well as the body corporate shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate. 15

(3) Where an offence under this Act committed by a partnership is proved — 20

(a) to have been committed with the consent or connivance of a partner; or

(b) to be attributable to any act or default on his part,

the partner as well as the partnership shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly. 25

(4) Where an offence under this Act committed by an unincorporated association (other than a partnership) is proved —

(a) to have been committed with the consent or connivance of an officer of the unincorporated association or a member of its governing body; or 30

(b) to be attributable to any act or default on the part of such officer or member,

the officer or member as well as the unincorporated association shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(5) In this section —

5 “body corporate” includes a limited liability partnership;

“officer” —

10 (a) in relation to a body corporate, means any director, partner, member of the committee of management, chief executive, manager, secretary or other similar officer of the body corporate and includes any person purporting to act in any such capacity; or

15 (b) in relation to an unincorporated association (other than a partnership), means the president, the secretary, or any member of the committee of the unincorporated association, or any person holding a position analogous to that of president, secretary or member of a committee and includes any person purporting to act in any such capacity;

“partner” includes a person purporting to act as a partner.

20 (6) The Minister may make regulations to provide for the application of any provision of this section, with such modifications as the Minister considers appropriate, to any body corporate, limited liability partnership or unincorporated association formed or recognised under the law of a territory outside Singapore.

25 **Power of court to order cause of contravention to be remedied**

30 **73.—**(1) Where any person is convicted of an offence under this Act, the court may, in addition to or instead of imposing any penalty, order him to take, within the time specified in the order (or within such further time as the court may allow), such steps as may be so specified for remedying the matters in respect of which the contravention occurred.

(2) Subject to subsection (3), where an order is made under subsection (1), the convicted person shall not be liable under this Act in respect of the continuation of the contravention during the time

specified in the order or allowed by the court to remedy the matters in respect of which the contravention occurred.

(3) If, after the expiration of the time specified in the order or allowed by the court under subsection (1) following a conviction of an offence, the order is not complied with, the person referred to in that subsection shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000 for every day during which the non-compliance continues after the date of conviction for that first-mentioned offence.

Composition of offences

74.—(1) The Director-General or any officer of the Agency authorised by the Director-General to compound offences may, in his discretion, compound any offence under this Act (except Part IV) which is prescribed as a compoundable offence by collecting from a person reasonably suspected of having committed the offence, a sum not exceeding the lower of the following sums:

- (a) one half of the amount of the maximum fine that is prescribed for the offence;
- (b) a sum of \$5,000.

(2) On payment of such sum of money, no further proceedings shall be taken against that person in respect of the offence.

(3) The Minister may make regulations to prescribe the offences which may be compounded.

(4) All sums collected under this section shall be paid to the Consolidated Fund.

Saving of prosecutions under other laws

75. Nothing in this Act shall prevent any person from being prosecuted under any other written law for any act or omission which constitutes an offence under this Act or from being liable under that other law to any other or higher punishment or penalty than that provided by this Act, except that no person shall be punished twice for the same offence.

Amendment of First Schedule

76.—(1) The Minister may, from time to time, by order published in the *Gazette*, amend, add to or vary the First Schedule.

5 (2) The Minister may, in any order made under subsection (1), make such incidental, consequential or supplementary provision as may be necessary or expedient.

(3) Any order made under subsection (1) shall be presented to Parliament as soon as possible after publication in the *Gazette*.

Exemption

10 77. The Minister may, by order published in the *Gazette* and with or without conditions, exempt —

(a) any class or description of goods, business activity or premises from all or any of the provisions of this Act (except Part IV); or

15 (b) any class or description of persons from compliance with all or any of the provisions of this Act (except Part IV).

Regulations

78.—(1) The Minister may make such regulations as he may consider necessary or expedient for carrying out the purposes and provisions of this Act (except Part IV).

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations for or with respect to all or any of the following matters:

25 (a) prescribing the registration requirements in relation to registrable goods and the suppliers of registrable goods, and the regulation of the labelling of registrable goods;

(b) prescribing the registration requirements in relation to registrable corporations;

30 (c) specifying any energy efficiency standards or energy management standards with which any class or description of registered goods or registered corporations must comply;

- (d) in relation to reports under section 27 —
- (i) specifying the methods, or criteria for methods, by which the amounts of emissions, reduction, removal, offsets, energy production or energy consumption are to be measured, including specifying —
 - (A) different methods or criteria for different industry sectors;
 - (B) different methods or criteria depending on the circumstances in which the emissions, reduction, removal, offsets, production or consumption occurred;
 - (C) conditions relating to the use of different methods or criteria;
 - (D) rating systems for those methods (including different rating systems for different circumstances); and
 - (E) the particular rating given to each of those methods; and
 - (ii) specifying different requirements in relation to the information to be supplied in the report for different circumstances;
- (e) requirements for the preparation and submission of a report under section 27 or an energy efficiency improvement plan under section 29;
- (f) requirements relating to the implementation of energy efficiency measures proposed in any energy efficiency improvement plan under section 29;
- (g) in relation to an energy manager under Part III —
- (i) the requirements for the appointment, training and qualification of an energy manager;
 - (ii) the functions and duties of an energy manager; and
 - (iii) the powers of an energy manager, being necessary powers for the discharge of his functions and duties;

- (h) prescribing any forms for use under this Act;
- (i) prescribing any fees and charges payable for the purposes of this Act;
- (j) prescribing any other matter which is required or permitted to be prescribed to give effect to this Act.

(3) The Minister may make regulations for the purpose of coordinating the exercise of powers by the Director-General under this Act and the exercise of powers by any other sector regulator referred to in Part IV, and may, in particular, make regulations to provide for the procedure to be followed —

- (a) in determining, in a particular case or category of cases, whether the Director-General (or an authorised officer) should exercise his powers or whether a sector regulator (or a transport sector authorised officer) should exercise his or its powers; and
- (b) where the Director-General and a sector regulator, or their respective authorised officers or transport sector authorised officers, may exercise their respective powers concurrently or conjunctively.

(4) The Minister may, in making any regulations under this section, provide that any contravention of any of the provisions of such regulations shall be an offence punishable with a fine not exceeding \$10,000 or with imprisonment for a term not exceeding 12 months or with both.

Adoption of codes and standards

79.—(1) Any regulations made under section 78 may adopt wholly or partially, or as amended by the regulations or by reference, any code, standard, rule, specification or provision which relates to any matter with which the regulations deal and which —

- (a) is recommended, issued or adopted by any standards organisation or body (whether within or outside Singapore) approved by the Director-General; or
- (b) is considered by the Director-General to be appropriate for adoption for the purposes of this Act.

(2) The Director-General shall cause a copy of every code, standard, rule, specification or provision adopted under subsection (1) to be made available for inspection by members of the public without charge at the office of the Agency during normal office hours.

(3) In any proceedings, a copy certified by the Director-General as a true copy of a code, standard, rule, specification or provision adopted under subsection (1) shall be evidence of the code, standard, rule, specification or provision so adopted. 5

Consequential and related amendments to other written laws

80.—(1) Part XA of the Environmental Protection and Management Act (Cap. 94A) is repealed. 10

(2) The provisions of the Acts specified in the first column of the Second Schedule are amended in the manner set out in the second column thereof.

Savings and transitional provisions in relation to Part III 15

81.—(1) Any person who, immediately before the appointed date, was a registered supplier under the repealed provisions shall be deemed to be a registered supplier under this Act.

(2) Any registered goods registered under the repealed provisions immediately before the appointed date shall be deemed to be registered goods under this Act, and the registration shall expire on the date it would have expired if section 80(1) of this Act had not been enacted, unless earlier withdrawn or revoked under this Act. 20

(3) Any application for registration of a registered supplier or registered goods under the repealed provisions before the appointed date which application was not dealt with before that date shall be deemed to be an application for registration under the corresponding provisions of this Act. 25

(4) Where an appeal has been made to the Minister under the repealed provisions and the appeal has not been dealt with or disposed of immediately before the appointed date, the appeal may be dealt with in accordance with the repealed provisions as if this Act had not been enacted. 30

(5) For a period of 2 years after the appointed date, the Minister may, by regulations, prescribe such other transitional, incidental and consequential matters as he may consider necessary or expedient.

(6) In this section —

5 “appointed date” means the date of commencement of Division 1 of Part III of this Act;

“repealed provisions” means Part XA of the Environmental Protection and Management Act (Cap. 94A) repealed by section 80(1) of this Act.

10 **Savings and transitional provisions in relation to Part IV**

82.—(1) No registration of any class, description or type of motor vehicles as registered goods under the EPMA provisions shall be valid after 31st December 2012.

15 (2) Subject to subsections (4) and (5), an authorised dealer, manufacturer or importer of motor vehicles of a class, description or type which, immediately before the FEL appointed date, were registered goods registered under the EPMA provisions, may continue to sell or offer for sale those motor vehicles on or after that date in accordance with the EPMA provisions until —

20 (a) the date on which the registration of those motor vehicles under the EPMA provisions expires (or is deemed by subsection (5) to expire), or is withdrawn or revoked under the EPMA provisions; or

(b) 31st December 2012,

25 whichever occurs first, and sections 41 and 42 of this Act shall not apply until then.

(3) Notwithstanding section 80(1) of this Act coming into force before 31st December 2012, subsection (2) shall continue to apply to an authorised dealer, manufacturer or importer referred to in subsection (2) as if section 80(1) of this Act had not been enacted.

30 (4) Subsections (2) and (3) shall apply on the condition that the motor vehicles referred to therein are sold or offered for sale bearing the label in the manner required under the EPMA provisions.

(5) Notwithstanding subsection (2) or (3), the registration of any class, description or type of motor vehicles as registered goods under the EPMA provisions shall be deemed to expire when any type-approval, batch type-approval or modified type-approval referred to in section 41 of this Act is obtained in respect of that class, description or type of motor vehicles. 5

(6) For a period of 2 years after the FEL appointed date, the Transport Minister may, by regulations, prescribe such other transitional, incidental and consequential matters as he may consider necessary or expedient. 10

(7) In this section —

“EPMA provisions” means Part XA of the Environmental Protection and Management Act (Cap. 94A) in force before the date of commencement of section 80(1) of this Act;

“FEL appointed date” means the date of commencement of Division 1 of Part IV of this Act. 15

FIRST SCHEDULE

Sections 71 and 76(1)

PERSONS TO WHOM INFORMATION MAY BE DISCLOSED

1. The Minister charged with the responsibility for the environment and water resources, and any member, officer or employee of the Agency. 20
2. The Minister charged with the responsibility for transport and any member, officer or employee of the sector regulators.
3. The Energy Market Authority of Singapore established under the Energy Market Authority of Singapore Act (Cap. 92B), and any officer or employee of that Authority authorised by the Chief Executive of that Authority for the purposes of section 71. 25
4. The Economic Development Board established under the Economic Development Board Act (Cap. 85), and any officer or employee of that Board authorised by the chief executive officer of that Board for the purposes of section 71. 30
5. The Public Utilities Board continued under section 3 of the Public Utilities Act (Cap. 261), and any officer or employee of that Board authorised by the Chief Executive of that Board for the purposes of section 71.

SECOND SCHEDULE

Section 80(2)

CONSEQUENTIAL AND RELATED AMENDMENTS TO OTHER WRITTEN LAWS

| <i>First column</i> | <i>Second column</i> |
|---|--|
| <p>1. Civil Aviation Authority of Singapore Act 2009 (Act 17 of 2009)</p> <p>Section 7(2)</p> | <p>(i) Delete the word “and” at the end of paragraph (d).</p> <p>(ii) Delete the full-stop at the end of paragraph (e) and substitute a semi-colon, and insert immediately thereafter the following paragraphs:</p> <p style="padding-left: 40px;">“(f) the promotion of energy efficiency within the airport services sector; and</p> <p style="padding-left: 40px;">(g) environmental protection and the sustainable development of air transport.”.</p> |
| <p>2. Land Transport Authority of Singapore Act (Chapter 158A, 1996 Ed.)</p> <p>(a) Section 6</p> | <p>Insert, immediately after subsection (1A), the following subsection:</p> <p style="padding-left: 40px;">“(1B) In performing the functions and discharging the duties imposed on it by subsections (1) and (1A), the Authority shall have regard to the promotion of energy efficiency within the land transport sector, environmental protection and the sustainable development of land transport.”.</p> |

SECOND SCHEDULE — *continued*

| <i>First column</i> | <i>Second column</i> |
|---|--|
| (b) Second Schedule | Delete the words “the Fifth Schedule” in paragraph 18 and substitute the words “Part I of the Fifth Schedule”. |
| 3. Maritime and Port Authority of Singapore Act (Chapter 170A, 1997 Ed.) | |
| Section 7(2) | <p>(i) Delete the word “and” at the end of paragraph (e).</p> <p>(ii) Delete the full-stop at the end of paragraph (f) and substitute a semi-colon, and insert immediately thereafter the following paragraphs:</p> <p style="padding-left: 40px;">“(g) the promotion of energy efficiency within the port services and facilities sector; and</p> <p style="padding-left: 40px;">(h) environmental protection and the sustainable development of sea transport.”.</p> |

EXPLANATORY STATEMENT

This Bill seeks to establish a framework for energy conservation measures to be implemented and energy data to be collected. In particular, the Bill seeks to achieve the following main purposes:

- (a) to provide for the appointment of authorised officers from the National Environment Agency to enforce the provisions in relation to the domestic and industry sectors, other than the transport sector;
- (b) to provide for the appointment of sector regulators and transport sector authorised officers from the Land Transport Authority of Singapore, Maritime and Port Authority of Singapore and Civil Aviation Authority of Singapore to enforce the provisions in relation to the transport sector;

- (c) to provide for the registration of suppliers and goods which consume electricity or other forms of energy and to require energy labelling of the goods;
- (d) to require corporations which qualify as registrable corporations to be registered and to implement energy management practices, namely —
 - (i) energy reporting;
 - (ii) record-keeping;
 - (iii) the submission of energy efficiency improvement plans; and
 - (iv) the appointment of an energy manager; and
- (e) in relation to the transport sector, to provide for fuel economy labelling of motor vehicles and to require the implementation of energy management practices, similar to those required of registrable corporations, by corporations providing land transport, marine and port services or airport services (referred to as “transport facility operators”).

The Bill also makes consequential and related amendments to certain other written laws.

PART I

PRELIMINARY

Part I (consisting of clauses 1 to 5) relates to preliminary matters.

Clause 1 relates to the short title and commencement.

Clause 2 defines certain terms used in the Bill, such as “energy use threshold”, “greenhouse gas” and “sector regulator”.

Clause 3 defines the term “business activity”, which may be used to describe and define the class of corporations that are subject to the provisions on energy management practices in the Bill.

Clause 4 defines the term “operational control”, which is used in relation to a business activity or premises to identify the entity which is subject to the provisions on energy management practices in the Bill.

Clause 5 provides for the application of the Bill to the Government.

PART II

ADMINISTRATION

Part II (consisting of clauses 6 to 9) relates to the administration of the Bill.

Clause 6 provides for the Director-General of Environmental Protection (the Director-General) and authorised officers appointed from the National Environment Agency to enforce the provisions in relation to the domestic and industry sectors, other than the transport sector.

Clause 7 provides for the appointment of sector regulators and transport sector authorised officers from the Land Transport Authority of Singapore, Maritime and Port Authority of Singapore and Civil Aviation Authority of Singapore to enforce the provisions in relation to the transport sector.

Clause 8 deems the Director-General, and every authorised officer and transport sector authorised officer to be public servants within the meaning of the Penal Code (Cap. 224).

Clause 9 confers immunity on the Director-General, and every authorised officer and transport sector authorised officer in relation to the exercise of their functions and powers in good faith and with reasonable care under the Bill.

PART III

ENERGY CONSERVATION MEASURES FOR DOMESTIC AND INDUSTRY SECTORS (OTHER THAN TRANSPORT)

Part III consists of 3 Divisions setting out the energy conservation measures which apply generally to any domestic or industry sector other than the transport sector, which is in Part IV.

Division 1 (consisting of clauses 10 to 20) establishes the framework for the registration and energy labelling of certain goods and the registration of the suppliers of those goods. This replicates Part XA of the Environmental Protection and Management Act (Cap. 94A) which is repealed *vide* clause 80(1).

Clause 10 defines certain terms used in the Division.

Clause 11 empowers the Minister to make an order in the *Gazette* to specify the goods which are registrable.

Clause 12 prohibits the sale or supply of any registrable goods (whether by manufacturers, importers or retailers) unless the goods are registered by the Director-General and comply with the labelling requirements and any minimum energy efficiency standard prescribed for those goods.

Clause 13 requires any manufacturer or importer of registrable goods to be registered by the Director-General as a registered supplier of those goods, and sets out the application process to be registered.

Clause 14 provides for a register of registered suppliers and registered goods to be established.

Clause 15 provides for perpetual registration for registered suppliers and a term of registration for registered goods. The clause also sets out the process for renewal of registration for registered goods.

Clause 16 provides the circumstances under which the registration of either a registered supplier or registered goods may be withdrawn or revoked.

Clause 17 provides for an aggrieved manufacturer or importer to appeal to the Minister against the Director-General's decision in relation to registration.

Clause 18 obliges registered suppliers to maintain records and furnish information upon request to the Director-General.

Clause 19 empowers the Director-General to require registrable goods to be provided for testing or analysis, or to obtain information from any retailer in respect of the goods or the supply of the goods.

Clause 20 penalises false statements made in the course of applications for registration or in response to requests for information by the Director-General, or falsification of any record required to be kept.

Division 2 (consisting of clauses 21 to 32) establishes the framework for energy management practices to be implemented in certain corporations.

Clause 21 defines the terms "registered corporation" and "registrable corporation" used in the Division.

Clause 22 empowers the Minister to make an order in the *Gazette* to specify the corporations which are registrable and the period within which the corporation must apply to be registered. The Minister may define the corporations by a particular industry or industry sector, a type of business activity or type of premises over which a corporation has operational control or an energy use threshold attained by a business activity or premises of a corporation. A corporation may qualify as a registrable corporation upon the order being made, or may qualify later, for instance when it attains the energy use threshold specified in the order.

Clause 23 requires every corporation which qualifies as a registrable corporation to apply to the Director-General to be registered within the period specified in the order, and sets out the process for application and the penalty for failing to do so.

Clause 24 provides for the Director-General to keep and maintain a register of registered corporations.

Clause 25 allows for a corporation which no longer qualifies as a registrable corporation to apply for cancellation of its registration. If the qualification of the corporation was on the basis of having attained an energy use threshold, the corporation must be below that threshold for a continuous period of 3 years before it may apply to cancel its registration.

Clause 26 empowers the Director-General to investigate whether a corporation is registrable by requiring the corporation to carry out tests and inspections, the results of which are to be furnished to the Director-General, or by entering the premises of the corporation and carrying out the tests and inspections himself.

Clause 27 obliges a registered corporation to make periodic reports of its energy consumption, energy production and greenhouse gas emissions in the prescribed form and manner to the Director-General.

Clause 28 obliges a registered corporation to keep records relevant to its reporting requirements or its energy efficiency improvement plan, and to make such records available to the Director-General.

Clause 29 obliges a registered corporation to prepare and submit an energy efficiency improvement plan in respect of any business activity or premises over which it has operational control. A registered corporation which is unable to comply in any particular case may ask for a waiver of the requirement.

Clause 30 obliges a registered corporation to appoint an energy manager who is to assist the registered corporation in complying with the energy management practices required under the Bill, and generally to encourage the energy conservation efforts of the corporation.

Clause 31 penalises an energy manager who makes a false statement in any submission to the Director-General under the Bill or falsifies data.

Clause 32 sets out the penalties on the registered corporation for contravention of its obligations under clauses 27, 28, 29 and 30.

Division 3 (consisting of clauses 33 to 38) provides for the powers of enforcement in relation to Divisions 1 and 2.

Clause 33 empowers authorised officers to enter the premises of a supplier of registrable goods or a registrable corporation to carry out monitoring or investigations.

Clause 34 empowers authorised officers to monitor compliance with the provisions in the Bill, including the searching and seizing of documents or things, and the taking of any readings from meters or instruments.

Clause 35 empowers authorised officers to request certain regulated persons to produce documents and furnish information.

Clause 36 empowers authorised officers to ask for and obtain the identity of any person found on the premises when the authorised officers exercise their power of entry.

Clause 37 obliges the supplier of registrable goods or the registrable corporation being monitored or investigated to cooperate with and assist the authorised officer in the exercise of his powers.

Clause 38 penalises any person who hinders or obstructs the Director-General or any authorised officer in the performance of his functions or duties.

PART IV

ENERGY CONSERVATION MEASURES FOR TRANSPORT SECTOR

Part IV consists of 3 Divisions setting out the energy conservation measures which apply to the transport sector, which are generally similar to those in Part III, except that the provisions in this Part are administered and enforced by the Transport Minister, sector regulators and their respective transport sector authorised officers.

Division 1 (consisting of clauses 39 to 43) establishes the framework for the fuel economy labelling of motor vehicles. Motor vehicles have been prescribed as registrable goods under Part XA of the Environmental Protection and Management Act.

Clause 39 defines certain terms used in the Division.

Clause 40 empowers the Transport Minister to specify the class, description or type of motor vehicles which are subject to the fuel economy requirements in this Division.

Clause 41 requires any authorised dealer, manufacturer or importer which wishes to sell or offer for sale any of the motor vehicles specified in the order under clause 40 —

- (a) when applying for type-approval, batch type-approval or modified type-approval of those motor vehicles under rules made under the Road Traffic Act, to submit to the Registrar of Vehicles (the Registrar) documents relating to matters such as the fuel economy, fuel consumption and carbon dioxide emissions of the motor vehicle; and
- (b) if required, to send the motor vehicle or vehicles for testing or inspection, or to submit further documents required by the Registrar.

Clause 42 requires any person selling or offering for sale any of the motor vehicles specified in the order under clause 40 —

- (a) to ensure that every motor vehicle displayed for sale bears a fuel economy label approved by the Registrar in the prescribed manner; and
- (b) to ensure that any printed promotional material or advertisement for the motor vehicle contains the fuel economy information relevant to the motor vehicle.

Clause 43 penalises the making of any false statement, or falsification of any document submitted, to the Registrar.

Division 2 (consisting of clauses 44 to 52) establishes the framework for energy management practices to be implemented in certain corporations providing land transport, marine and port services or airport services (referred to as “transport facility operators”).

Clause 44 defines the term “transport facility operator” used in the Division.

Clause 45 empowers the Transport Minister to make an order in the *Gazette* to specify the land transport, port service or airport service operators which are declared to be, or which qualify as, transport facility operators. The Minister may define the transport facility operators by a type of business activity or type of premises over which the land transport, port service or airport service operator has operational control or by an energy use threshold attained by a business activity or premises of the land transport, port service or airport service operator.

Clause 46 empowers the sector regulator to investigate whether an entity is a transport facility operator by requiring the entity to carry out tests and inspections, the results of which are to be furnished to the sector regulator, or by entering the premises of the entity and carrying out the tests and inspections.

Clause 47 obliges a transport facility operator to make periodic reports of its energy consumption, energy production and greenhouse gas emissions in the prescribed form and manner to the sector regulator.

Clause 48 obliges a transport facility operator to keep records relevant to its reporting requirements or its energy efficiency improvement plan, and to make such records available to the sector regulator.

Clause 49 obliges a transport facility operator to prepare and submit an energy efficiency improvement plan in respect of any business activity or premises over which it has operational control. A transport facility operator which is unable to comply in any particular case may ask for a waiver of the requirement.

Clause 50 obliges a transport facility operator to appoint an energy manager who is to assist the transport facility operator in complying with the energy management practices required under the Bill, and generally to encourage the energy conservation efforts of the transport facility operator.

Clause 51 penalises an energy manager who makes a false statement in any submission to the sector regulator under the Bill or falsifies data.

Clause 52 sets out the penalties on a transport facility operator for contravention of its obligations under clauses 47, 48, 49 and 50.

Division 3 (consisting of clauses 53 to 63) provides for the powers of enforcement and ancillary provisions in relation to Divisions 1 and 2.

Clause 53 empowers transport sector authorised officers to enter the premises of a transport facility operator to carry out monitoring or investigations.

Clause 54 empowers transport sector authorised officers to monitor compliance with the provisions in the Bill, including the searching and seizing of documents or things, and the taking of any readings from meters or instruments.

Clause 55 empowers transport sector authorised officers to request certain regulated persons to produce documents and furnish information.

Clause 56 empowers transport sector authorised officers to ask for and obtain the identity of any person found on the premises when the transport sector authorised officers exercise their power of entry.

Clause 57 empowers transport sector authorised officers to exercise powers of questioning and to require the furnishing of information or documents when investigating an offence under this Part.

Clause 58 obliges the authorised dealer, manufacturer or importer of motor vehicles or transport facility operator being monitored or investigated to cooperate with and assist the transport sector authorised officer in the exercise of his powers.

Clause 59 penalises any person who hinders or obstructs any transport sector authorised officer in the performance of his functions or duties.

Clause 60 provides for the composition of offences by the appropriate sector regulator or an officer authorised by the sector regulator, and for the Transport Minister to prescribe the compoundable offences under this Part.

Clause 61 allows the Transport Minister to exempt any class, description or type of motor vehicle, business activity or premises or any class or description of persons from any of the provisions in this Part.

Clause 62 empowers the Transport Minister to make regulations for this Part and to provide for contravention thereof to be an offence.

Clause 63 provides for the adoption of codes, standards and specifications by sector regulators by way of regulations made under clause 62.

PART V

MISCELLANEOUS

Part V (consisting of clauses 64 to 82) provides for the ancillary provisions of the Bill.

Clause 64 empowers the Director-General to request for and obtain data on the energy consumption (and information related thereto) of any person from any energy supplier.

Clause 65 empowers the Director-General to conduct a survey relating to energy consumption, energy production or greenhouse gas emissions and to obtain information from any person for that purpose.

Clause 66 empowers authorised officers to exercise powers of questioning and to require the furnishing of information or documents when investigating an offence under the Bill (except Part IV).

Clause 67 provides for notices and other official documents to be given by an authorised officer or a transport sector authorised officer, where applicable.

Clause 68 provides for the modes of service of documents and determines the time when service is effected.

Clause 69 provides for the continued operation of the Bill despite any inaccuracy in a document as long as the person or place designated in the document is identifiable, and provides that proceedings are not invalid for want of form.

Clause 70 provides for how documents may be proved in court.

Clause 71 allows for the sharing of information by the Director-General, authorised officers, sector regulators and transport sector authorised officers with other public officers or statutory bodies set out in the First Schedule to enable the performance of functions or duties by those other officers or statutory bodies.

Clause 72 attributes liability to an officer or member of a body corporate, a partner of a partnership or an officer of an unincorporated association under certain circumstances where there is consent or connivance, or an act or default, on the part of the individual.

Clause 73 provides for the court to order specific acts to be undertaken to remedy a contravention.

Clause 74 provides for the composition of offences (except those under Part IV) by the Director-General or an officer authorised by him, and for the Minister to prescribe the compoundable offences under the Bill (except Part IV).

Clause 75 clarifies that prosecutions under other written laws are not affected, except that no person will be punished twice for the same offence.

Clause 76 allows the Minister to amend the First Schedule by an order published in the *Gazette*.

Clause 77 allows the Minister to exempt any class or description of goods, business activity or premises or any class or description of persons from any of the provisions in the Bill (except Part IV).

Clause 78 empowers the Minister to make regulations for carrying out the purposes of the Bill and for any matter which is required under the Bill to be prescribed. The Minister may, in addition, make regulations for the purpose of coordination between the Director-General and the sector regulators.

Clause 79 provides for the adoption of certain codes, standards and specifications by way of regulations made under clause 78.

Clause 80 repeals Part XA of the Environmental Protection and Management Act and makes certain other consequential and related amendments set out in the Second Schedule.

Clause 81 sets out the savings and transitional provisions applicable to existing registrable or registered goods and the suppliers thereof under Part XA of the Environmental Protection and Management Act before its repeal by the enactment of clause 80(1).

Clause 82 sets out the savings and transitional provisions applicable to motor vehicles, and the manufacturers, authorised dealers and importers thereof, which were registered goods under Part XA of the Environmental Protection and Management Act immediately before the commencement of Division 1 of Part IV of the Bill.

EXPENDITURE OF PUBLIC MONEY

This Bill will involve the Government in extra financial expenditure, the exact amount of which cannot at present be ascertained.
